



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,905	02/14/2002	Zc'ev Ronai	2420/11249US2	1884

7590 08/10/2004

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022

EXAMINER

RAWLINGS, STEPHEN L.

ART UNIT PAPER NUMBER

1642

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

10/076,905

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

1642 20040803

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

***Notice of Non-Responsive Amendment***

1. The reply filed on May 18, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In reply to the Office Action mailed March 18, 2004, Applicants elected Group I, claims 1-4, 8-15, and 20-29, insofar as the claims are drawn to a polypeptide, a pharmaceutical composition comprising said polypeptide, and a method for inhibiting growth of a tumor comprising introducing or administering said composition.

However, as set forth at page 4 in section 5 of the Office action, the claims of group I are generic to a plurality of patentably disclosed species of invention wherein the tumor cell is selected from the group consisting of (a) a melanoma tumor cell and (b) a breast cancer tumor cell. Accordingly, Applicant was further required under 35 U.S.C. 121 to elect a single disclosed species, i.e., melanoma tumor cells or breast cancer tumor cells, to which the claims are to be drawn for prosecution on the merits, and to which the claims shall be restricted if no generic claim is finally held to be allowable. Thus, the reply filed on May 18, 2004 is not fully responsive to the prior Office Action because Applicant failed to elect a single disclosed species of invention. See 37 CFR 1.111.

Therefore, in reply to this Office communication, Applicant is required to elect a single disclosed species of invention by specifically identifying the tumor cells, i.e., melanoma tumor cells or breast cancer tumor cells, to which the claims are to be drawn for prosecution on the merits, and to which the claims shall be restricted if no generic claim is finally held to be allowable.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1642

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.  
Examiner  
Art Unit 1642

slr  
August 3, 2004

*Jeffrey Siew*  
SUPERVISORY PATENT  
EXAMINER  
TC 1600  
8/9/04